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8 THUNDERWOOD HOLDINGS, INC.,
BRIAN DUNNING, and BRIANDUNNING.COM
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 EBAY INC.,) CASE NO. CV 08-4052 JF (PVT)
14 Plaintiff,)
15 vs.)
16 DIGITAL POINT SOLUTIONS, INC.;)
17 SHAWN HOGAN; KESSLER's FLYING)
18 CIRCUS; THUNDERWOOD HOLDINGS,)
19 INC.; TODD DUNNING; DUNNING)
ENTERPRISES, INC.; BRIAN DUNNING;)
BRIANDUNNING.COM; and DOES 1-20,)
Defendants.)
21

**STIPULATION TO EXTEND TIME
FOR DEFENDANTS TO RESPOND TO
SECOND AMENDED COMPLAINT;
ORDER THEREON**

Honorable Jeremy Fogel, Judge presiding

22 TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT
23 COURT:

24 The parties to this action, by and through their attorneys of record, hereby agree
25 and stipulate based on the following recitals:

26 / / /
27 / / /
28 / / /

RECITALS

- A. Plaintiff EBAY INC. commenced this action on August 25, 2008.
 - B. Plaintiff filed its First Amended Complaint on October 7, 2008 ("FAC").
 - C. All Defendants to the action filed Motions to Dismiss the FAC.

5 Defendants' Motions were heard on December 12, 2008.

6 D. On February 24, 2009 Defendants' Motions to Dismiss the FAC were
7 granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff was
8 given 30 days to file a second amended complaint.

9 E. Plaintiff filed its Second Amended Complaint on March 26, 2009
10 ("SAC").

11 F. Defendants contend that they require more than the statutory 10-day
12 period to respond to the SAC.

13 G. The parties agree that Defendants shall have 30 days to respond to the
14 SAC such that Defendants' responses to the SAC shall be filed and served on or before
15 April 27, 2009.

WHEREFORE, the Parties agree as follows:

17 1. Defendants shall have until April 27, 2009 to file and serve a response to
18 the SAC.

19 2. Defendants shall coordinate so that to the extent more than one
20 Defendant files a motion in response to the SAC, such motions shall be set for hearing on the
21 same date.

3. The Stipulation may be executed in one or more counterparts.

24 | DATED: April 6, 2009

O'MELVENY & MYERS

By: David Eberhart, Jr.
David R. Eberhart
Sharon M. Bunzel
Colleen M. Kennedy
Attorneys for Plaintiff eBay, Inc.

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

2 By: Leo J. Presiado

3 Leo J. Presiado
4 Attorneys for Defendants
5 Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

6

7 DATED: April 3, 2009

FREELAND, COOPER & FOREMAN, LLP

8 By: Stewart H. Foreman

9 Stewart H. Foreman
10 Daniel Bernhard
11 Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

12

13 DATED: April __, 2009

COAST LAW GROUP, LLP

14 By: Seyamack Kouretchian

15 Seyamack Kouretchian
16 Ross Campbell
17 Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

18

19 DATED: April __, 2009

LAW OFFICES OF PATRICK K. McCLELLAN

20 By: Patrick K. McClellan

21 Patrick K. McClellan
22 Attorney for Kessler's Flying Circus

23

24 IT IS SO ORDERED.

25

26 DATED: 4/9/09

27 HONORABLE JEREMY FOGEL
28 JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

2 By: Leo J. Presiado

3 Leo J. Presiado
4 Attorneys for Defendants
5 Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

6

7 DATED: April 1, 2009

FREELAND, COOPER & FOREMAN, LLP

8

9 By: Stewart H. Foreman

10 Stewart H. Foreman
11 Daniel Bernhard
12 Attorneys for Defendants Todd Dunning
13 and Dunning Enterprises, Inc.

14

15 DATED: April 5, 2009

COAST LAW GROUP, LLP

16

17 By: Sevamack Kouretchian

18 Ross Campbell
19 Attorneys for Digital Point Solutions, Inc.
20 and Shawn Hogan

21

22 DATED: April 1, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

23

24 By: Patrick K. McClellan

25 Attorney for Kessler's Flying Circus

26 DATED:

27 HONORABLE JEREMY FOGEL
28 JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

3 By: Leo J. Presiado

4 Leo J. Presiado
5 Attorneys for Defendants
6 Thunderwood Holdings, Inc., Brian Dunning
7 and BrianDunning.com

7 DATED: April , 2009

8 FREELAND, COOPER & FOREMAN, LLP

9 By: Stewart H. Foreman
10 Daniel Bernhard
11 Attorneys for Defendants Todd Dunning
12 and Dunning Enterprises, Inc.

13 DATED: April , 2009

14 COAST LAW GROUP, LLP

15 By: Seyamack Kouretchian
16 Ross Campbell
17 Attorneys for Digital Point Solutions, Inc.
18 and Shawn Hogan

19 DATED: April 3, 2009

20 LAW OFFICES OF PATRICK K. MCCLELLAN

21 By: Patrick K. McClellan
22 Attorney for Kessler's Flying Circus

23 IT IS SO ORDERED.

24 DATED:

25 HONORABLE JEREMY FOGEL
26 JUDGE OF THE UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

3 **STIPULATION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO SECOND
4 AMENDED COMPLAINT; ORDER THEREON** was filed with the Court's Electronic
5 Filing System on April 6, 2009 and may be accessed electronically.

s/ Leo J. Presiado

Leo J. Presiado

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